



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/259,000 02/26/99 RUTLEDGE

G 064493.011

EXAMINER

WM01/1010

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PHILIPPE, G

ART UNIT

PAPER NUMBER

2613

DATE MAILED:

10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/259,000

Applicant(s)

RUTLEDGE, GARY L.

Examiner

Gims S Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 July 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 18, 19 and 23-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 18, 19 and 23-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Response to Amendment

1. Applicant's request for reconsideration received on July 18, 2001 has been fully considered and entered, but the arguments are not deemed to be persuasive.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 9, 18-19, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Federau (US Patent no. 4,532,544) for the same reasons as previously set forth in the last office action mailed on January 16, 2001, paper no. 11.

Response to Arguments

Regarding the above claims, the applicant argues that Federeau does not disclose "an image sensor" as claimed, and the "sensor elements" of applicant are cameras. The examiner respectfully disagrees because in col. 2, lines 51-62, Federeau particularly discloses that the area sensor scans the whole image rather than a single line. In addition, in col. 3, lines 3-15, Federeau indicates that the optical imaging system and the line sensor are both mounted in fixed positions in the camera head. In other word,

the line sensors of Federeau are the applicant claimed "sensor elements" or "cameras" since according to the disclosure of the prior art the sensor and the camera constitute a single unit.

The applicant argues that Federeau's sensing elements are embodied into one imaging system, and thus, Federeau does not contain the first and second image sensors as required. The examiner respectfully disagrees because Federeau provides more than one image sensors (See Federeau col. 4, lines 2-13). Further, in col. 4, line 9-10, Federeau teaches that each single sensor area defines a scan line on the object and further in col. 3, lines 60-63, Federeau discloses that the camera has an operating circuit which converts the electrical scan signals into video signals, which may be used as TV image.

The applicant further argues that Federeau reference contains no teaching or suggestion to combine the "sensor elements" into an array such as in a typical CCD camera imager and place this array in a television camera. The examiner respectfully disagrees since not only such specific aspect of the invention is not claimed in the independent claims as the applicant would tend to argue, but also Federeau acknowledges that such combination is also well known in the art. And finally, the applicant admits that such combination is considered a "typical CCD camera imager"

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placed in a television camera. Therefore, no inventive step is seen in providing such an arrangement.

4. Claims 5-8, and 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Federau in view of Barbour (US Patent no. 5,652,617), and further in view of Berman et al. (US Patent no. 5,528,453).

Regarding the above claims, the applicant argues that neither Federeau nor Barbour and Berman contain the limitation "a single camera" operable to capture an image in a first and second directions. The examiner respectfully disagrees because Federeau teaches controlling the line sensor individually in order to avoid error caused by different illumination (See Federeau col. 5, lines 1-11). This is analogous to the claimed single camera since the line sensor contain a camera. Further, because in col. 4, lines 52- Nilsson et al., Federeau teaches that the camera head may be mounted on the camera body with an axial degree of freedom, capturing an image in a second direction ninety degrees from the first direction is anticipated by Federeau.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9052 for regular communications and (703) 308-9052 for After Final communications.

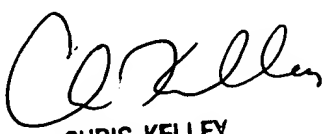
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Gims S Philippe
Examiner
Art Unit 2613

GP

GSP

October 1, 2001


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600